

AMENDMENTS TO THE CLAIMS

Please amend the claims as follows:

1. (Currently Amended) A method for obtaining a transgenic maize plant containing a coding sequence of interest ~~[[i]]~~ that is free of ancillary selection marker sequence comprising:
 - (a) ~~contacting~~ transforming a maize plant₁ or a cell of a maize plant₁ that lacks an active Ac element transposase, with a transformation vector comprising:
 - (1) a first expression cassette comprising a coding sequence of interest ~~[[i]]~~ that is ~~not operably linked to~~ flanked by mobilizable sequences of a maize active Ac element transposon; and
 - (2) a second expression cassette comprising a nucleotide sequence encoding an ancillary selection marker ~~[[ii]]~~ that is ~~operably linked to~~ flanked by the mobilizable sequences of a maize active Ac element transposon, wherein said nucleotide sequence encoding the ancillary selection marker ~~[[ii]]~~ is operably linked to a plant expression control sequence,to obtain primary transformants;
 - (b) growing the primary transformants under selective conditions to obtain at least one transformed parental maize plant ~~or maize plant cell~~ having the ancillary selection marker coding sequence ~~[[ii]]~~;
 - (c) producing an F1 generation by crossing the selected transformed parental maize plant with a second parental maize plant, said second maize plant having within its genome a sequence encoding an endogenous active Ac element transposase that operates on

the mobilizable sequences of the second expression cassette, wherein said sequence encoding the endogenous active transposase encodes the active Ac element within an R-nj::AC allele of the R-nj chromosomal locus (an R-nj::AC-allele) such that excision of the said Ac element results in the production of anthocyanin-containing sectors on the crown of the seed, including the embryo, ~~such that an F1 generation is obtained;~~

(d) selecting a maize plant, ~~or cell~~ from the F1 generation having said anthocyanin-containing sectors ~~the endogenous active Ac element transposase excised from the sequence encoding a phenotypic marker for excision based on expression of the phenotypic marker for excision to identify maize plants, containing the coding sequence of interest (i) but lacking the ancillary selection marker coding sequence (ii); and~~

(e) regenerating a maize plant from the plant, ~~or a cell~~ of the maize plant, selected in (d), such that a transgenic maize plant containing a coding sequence of interest [[i)] that is free of ~~foreign~~ ancillary selection marker sequence is produced.

2. (Currently Amended) The method of claim 1, wherein the ancillary selection marker coding sequence [[ii)] is selected from the group consisting of an antibiotic resistance coding sequence, a herbicide resistance coding sequence, a colorimetric marker coding sequence and a ~~phenotypic~~ luminescent marker coding sequence.
3. (Currently Amended) The method of claim 1, wherein the ancillary selection marker coding sequence [[ii)] is selected from the group consisting of an [[nptII]] *nptII* coding sequence and a [[bar]] *bar* coding sequence.

4. (Currently Amended) The method of claim 1, wherein the second expression cassette further comprises a nucleotide sequence encoding a reporter protein, wherein expression of the reporter protein is nondestructively detectable without destruction of the primary transformants.
5. (Previously Presented) The method of claim 4, wherein the reporter protein is a green fluorescent protein.
6. (Canceled)
7. (Currently Amended) The method of claim 1, wherein the ~~progeny maize plant~~ plants or cells in step (d) is ~~is~~ [[are]] selected from the ~~group consisting of F1 generation maize plants, F2 generation maize plants, and or~~ calluses.
8. (Canceled)
9. (Previously presented) The method of claim 1, wherein the transgenic maize plant belongs to the A188 line.
10. (Canceled)
11. (Currently Amended) The method of claim 1, wherein ~~said line~~ the second parental maize plant of step (c) is selected from the group consisting of A188 and W22 lines ~~made~~ homozygous for said R-nj::Ac allele.
12. (Currently Amended) The method of claim 1, wherein the selection of the ~~progeny maize plant or cells~~ in step (d) comprises:

selecting variegated F1 seeds;

selecting F1 maize plants displaying somatic excision of the ancillary selection marker coding sequence [[(ii)]]; or

selecting F1 maize plants displaying germinal excision of the ancillary selection marker coding sequence [[(ii)]]; and

obtaining an F2 maize plant ~~sowing-based on~~ from these the selected F1 seeds or plants.

13. (Currently Amended) The method of claim 1, wherein the selection of the ~~progeny or the~~ maize plant-cells in step (d) comprises:

producing calluses from immature F1 embryos,

visually selecting the calluses containing ~~the T-DNA and the~~ ancillary selection marker [[(ii)]],

multiplying calluses and selecting sectors of excision of the ancillary selection marker coding sequence [[(ii)]], and

regenerating F1 maize plants from the selected sectors of excision.

14. (Currently Amended) The method as claimed in claim 13, wherein regenerating maize plants from the ~~progeny maize plants or cells~~ plant, or cell from the maize plant, selected in (d) comprises culturing selected calluses of immature embryos of F1 ears under conditions that allow regeneration of maize plants.

- 15-21. (Canceled)